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AO 91 (REV.5/85) Criminal Complaint

AUSA Naana A. Frimpong (312) 353-3540

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED
2-9-12
FEB 09 2012
THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

MICHAEL R. VILLAGRAN

CRIMINAL COMPLAINT

CASE NUMBER: **12CR0094**

MAGISTRATE JUDGE VALDEZ

I, the undersigned complainant, being duly sworn on oath, state that the following is true and correct to the best of my knowledge and belief:

On or about February 8, 2012, at Aurora, in the Northern District of Illinois, Eastern Division, MICHAEL R. VILLAGRAN, defendant herein:

> by intimidation, did take from the person and presence of bank employees approximately $800 in United States Currency belonging to and in the care, custody, control, management, and possession of TCF Bank, 1270 North Lake Street, Aurora, Illinois, the deposits of which were then insured by the Federal Deposit Insurance Corporation;

in violation of Title 18, United States Code, Section 2113(a). I further state that I am a Special Agent with the Federal Bureau of Investigation, and that this complaint is based on the facts contained in the Affidavit which is attached hereto and incorporated herein.

Signature of Complainant
ADAM M. HOOGLAND
Special Agent, Federal Bureau of Investigation

Sworn to before me and subscribed in my presence,

February 9, 2012 at Chicago, Illinois
Date City and State

MARIA VALDEZ, U.S. Magistrate Judge
Name & Title of Judicial Officer

Signature of Judicial Officer

UNITED STATES DISTRICT COURT)
) ss
NORTHERN DISTRICT OF ILLINOIS)

AFFIDAVIT

I, ADAM M. HOOGLAND, being duly sworn, state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation, and have been so employed for since October 2005. My current responsibilities include the investigation of violent crimes, including, among others, kidnaping, bank robbery, and the apprehension of violent fugitives.

2. This affidavit is submitted in support of a criminal complaint alleging that MICHAEL R. VILLAGRAN (hereinafter "VILLAGRAN") has violated Title 18, United States Code, Section 2113(a). Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging VILLAGRAN with bank robbery, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that the defendant committed the offense alleged in the complaint.

3. This affidavit is based on my personal knowledge and information provided to me by other law enforcement officers and other witnesses.

4. On February 8, 2012, an individual (later identified as VILLAGRAN) entered a Jewel-Osco store located at 1270 North Lake Street in Aurora, Illinois. A TCF Bank was located within the Jewel-Osco store. VILLIGRAN, who was wearing both a baseball cap

and beige coat, initially entered the customer line at the TCF Bank. VILLAGRAN left the line for a short period and then returned to the TCF Bank customer line. VILLAGRAN eventually approached the teller counter. At the counter, VILLAGRAN presented a TCF Bank deposit slip to Teller 1. The deposit slip had the following hand-written statement on it: "GIVE ME $800.00 IF You WANT To Live I Got A GUN".[1]

5. Teller 1 gave VILLAGRAN exactly $800 in the form of eight $100 bills of United States Currency. VILLAGRAN then ran away from the TCF Bank counter and exited the Jewel-Osco store. TCF Bank personnel then pressed an alarm button.

6. Aurora Police Department ("APD") officers responded to the Jewel-Osco in response to the TCF Bank alarm. During interviews, Teller 1 described the robber as approximately 5'2" to 5'4", "scrawny", wearing a blue baseball cap, beige coat, black or dark blue gloves. Teller 1 estimated the robber to be in his "20s."

7. Teller 2 described the robber as 20-25 in age, approximately 5'5", white male with dark eyes, skinny, "not muscular", wearing a blue hat and beige coat with his hands in his pockets while waiting in line. Teller 2 did not see the bank robbery, but saw the robber (VILLAGRAN) waiting in line, prior to Teller 2 going to the vault area of the bank.

8. Another witness informed APD that an individual matching the robber's description had walked toward a grocery store located in the same strip mall. APD officers

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[1] The deposit slip was left at the scene of the robbery and recovered by the FBI. It appears that the writer of the note initially wrote "GUY" rather than "GUN" but corrected the note by writing an "N" over the "Y".

proceeded to the grocery store and observed VILLAGRAN in the vicinity of the grocery store. Because VILLAGRAN resembled the appearance of the robber, and was clothed only in a t-shirt and sweatpants, the officers approached him for an interview. During a pat-down search of VILLAGRAN's person, officers located eight $100 bills of United States Currency on VILLAGRAN's person.

9. The victim tellers and one Jewel-Osco employee (Witness 1) were then asked to view VILLAGRAN in-person to state whether they could identify him as the robber. Teller 1 was unable to identify VILLAGRAN as the robber. Teller 2 identified VILLAGRAN as the person who had waited in line with the baseball cap and beige coat and was alleged by Teller 1 as having robbed the bank. Witness 1 identified VILLAGRAN as the person who left the JEWEL-OSCO wearing a blue hat and beige coat.

10. At the time of the bank robbery TCF Bank, Jewel-Osco and the grocery store had working video surveillance cameras. The descriptions of the robber given by the two tellers and Witness 1 are consistent with the images captured of VILLAGRAN entering and/or exiting those locations. I have personally viewed the video surveillance or still images captured by Jewel-Osco and the TCF Bank and the images of the robber are consistent with VILLAGRAN's physical appearance. Prior arrest records describe VILLAGRAN as a latino male, 5'6" tall and weighing 150 pounds; based upon my personal interaction with VILLAGRAN, I believe this description is accurate.

11. An APD sergeant viewed the video surveillance from the grocery store. According to the APD sergeant, VILLAGRAN can be seen entering the store, going down an aisle in the clothes worn by the bank robber and leaving the aisle in different clothes. Clothes (baseball cap, beige coat, gloves and pants) matching those worn by the robber were eventually located within the grocery store. At the time he was arrested, VILLAGRAN was also wearing shoes consistent with those worn by the robber, as depicted in the surveillance video.

12. Later, I informed VILLAGRAN that he was under arrest. I verbally provided *Miranda* warnings to VILLAGRAN at the scene and he agreed to be interviewed. VILLAGRAN was then transported to the APD. At the APD, I again interviewed VILLAGRAN. Prior to the interview, I gave VILLAGRAN a written advice of rights form. VILLAGRAN read the form, waived his rights and executed the form. During the interview, VILLAGRAN admitted to robbing the TCF Bank at 1270 North Lake Street, Aurora, Illinois, earlier that evening, as described above. During the interview, VILLAGRAN provided details about the demand note and the clothing he wore in the bank robbery. In particular, he acknowledged taking off the clothes he used in the robbery prior to being arrested. VILLAGRAN stated he did not use a gun in the bank robbery. VILLAGRAN also stated that he did not write the note.

13. As a result of the bank robbery on February 8, 2012, as described above, TCF Bank suffered a financial loss of approximately $800 in United States Currency.

14. At the time of the bank robbery, the deposits of TCF Bank were insured by the Federal Deposit Insurance Corporation ("FDIC").

15. Based on the foregoing, your affiant respectfully submits that there is probable cause to believe that, on or about February 8, 2012, MICHAEL R. VILLAGRAN did, by intimidation, take from the person and presence of others, money belonging to and in the care, custody, control, management, and possession, of TCF Bank, 1270 North Lake Street, Aurora, Illinois, the deposits of which were then insured by the FDIC, in violation of Title 18, United States Code, Section 2113(a).

FURTHER AFFIANT SAYETH NOT.

ADAM M. HOOGLAND
Special Agent, Federal Bureau of Investigation

SUBSCRIBED AND SWORN to before me on February 9, 2012.

MARIA VALDEZ
United States Magistrate Judge